

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 837

Introduced by Assembly Member Torlakson

February 26, 2009

An act to amend Section 51746.5 of, and to add Section 46300.8 to, add Section 46300.8 to the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 837, as amended, Torlakson. School attendance: online education.

~~(1) Existing~~

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill would provide that school districts, county offices of education, and charter schools that offer online education courses may claim a *percentage unit* of average daily attendance ~~based on the percentage of the schoolday that~~ *on the basis of the attendance of a pupil taking at least one online course spends at a class or classes* in a classroom-based setting.

~~(2) Existing law requires that the ratio of average daily attendance for independent study pupils 18 years of age or less to school district or county office of education full-time equivalent certificated employees responsible for independent study not exceed specified ratios.~~

~~This bill would authorize, with respect to a pupil who is enrolled for at least the minimum schoolday through classes that include both a classroom-based setting and at least one class offered through an online program, a school district, county office of education, or charter school to demonstrate compliance with this provision by certifying to the Superintendent of Public Instruction that at least 85% of the average daily attendance revenue generated by that pupil is expended for instructional purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 46300.8 is added to the Education Code,
2 to read:
3 46300.8. Notwithstanding any other provision of law, in order
4 to facilitate the access of pupils to high-quality online course
5 offerings, when a pupil is enrolled for the minimum schoolday
6 through classes that include both a classroom-based setting and at
7 least one class offered through an online program, the school
8 district, county office of education, or charter school may claim,
9 for that pupil, a ~~percentage of average daily attendance that is equal~~
10 ~~to the percentage of that pupil's schoolday spent in the unit of~~
11 ~~average daily attendance on the basis of that pupil's attendance~~
12 ~~at a class or classes in the classroom-based setting.~~

13 SEC. 2. ~~Section 51745.6 of the Education Code is amended to~~
14 ~~read:~~
15 51745.6. (a) ~~The ratio of average daily attendance for~~
16 ~~independent study pupils 18 years of age or less to school district~~
17 ~~full-time equivalent certificated employees responsible for~~
18 ~~independent study, calculated as specified by the State Department~~
19 ~~of Education, shall not exceed the equivalent ratio of pupils to~~
20 ~~full-time certificated employees for all other educational programs~~
21 ~~operated by the school district. The ratio of average daily~~
22 ~~attendance for independent study pupils 18 years of age or less to~~
23 ~~county office of education full-time equivalent certificated~~
24 ~~employees responsible for independent study, to be calculated in~~
25 ~~a manner prescribed by the State Department of Education, shall~~
26 ~~not exceed the equivalent ratio of pupils to full-time certificated~~
27 ~~employees for all other educational programs operated by the high~~

1 school or unified school district with the largest average daily
2 attendance of pupils in that county. The computation of those ratios
3 shall be performed annually by the reporting agency at the time
4 of, and in connection with, the second principal apportionment
5 report to the Superintendent.

6 (b) ~~Only those units of average daily attendance for independent
7 study that reflect a pupil-teacher ratio that does not exceed the
8 ratio described in subdivision (a) shall be eligible for apportionment
9 pursuant to Section 42238.5, for school districts, and Section 2558,
10 for county offices of education. Nothing in this section shall
11 prevent a school district or county office of education from serving
12 additional units of average daily attendance greater than the ratio
13 described in subdivision (a), except that those additional units shall
14 not be funded pursuant to Section 42238.5 or Section 2558.~~

15 (c) ~~The calculations performed for purposes of this section shall
16 not include either of the following:~~

17 (1) ~~The average daily attendance generated by special education
18 pupils enrolled in special day classes on a full-time basis, or the
19 teachers of those classes.~~

20 (2) ~~The average daily attendance or teachers in necessary small
21 schools that are eligible to receive funding pursuant to Article 4
22 (commencing with Section 42280) of Chapter 7 of Part 24 of
23 Division 3.~~

24 (d) ~~The pupil-teacher ratio described in subdivision (a) in a
25 unified school district participating in the class size reduction
26 program pursuant to Chapter 6.10 (commencing with Section
27 52120) may, at the school district's option, be calculated separately
28 for kindergarten and grades 1 to 6, inclusive, and for grades 7 to
29 12, inclusive.~~

30 (e) ~~The pupils-to-certificated-employee ratio described in
31 subdivision (a) may, in a charter school, be calculated by using a
32 fixed pupils-to-certificated-employee ratio of 25 to one, or by being
33 a ratio of less than 25 pupils per certificated employee. All charter
34 school pupils, regardless of age, shall be included in
35 pupil-to-certificated-employee ratio calculations.~~

36 (f) ~~With respect to a pupil who is enrolled for at least the
37 minimum school day through classes that include both a
38 classroom-based setting and at least one class offered through an
39 online program, a school district, county office of education, or
40 charter school may demonstrate compliance with this section by~~

- 1 certifying to the Superintendent that at least 85 percent of the
- 2 average daily attendance revenue generated by that pupil is
- 3 expended for instructional purposes.

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